

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SMARTER AGENT, LLC,

Plaintiff,

v.

REAL ESTATE WEBMASTERS, INC.,

Defendant.

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Case No. 6:19-cv-00182-ADA

Jury Trial Demanded

JOINT STIPULATION TO DISMISS CERTAIN OF PLAINTIFF’S ALLEGATIONS

WHEREAS, the above-captioned action was filed by Plaintiff Smarter Agent, LLC (“Smarter Agent”) against Defendant Real Estate Webmasters, Inc. in the United States District Court for the Western District of Texas, Waco Division on March 4, 2019;

WHEREAS, Smarter Agent alleges in its Complaint that Real Estate Webmasters, Inc. is, *inter alia*, “willfully infringing[] and/or inducing others to infringe” the eight asserted United States patents (collectively, the “Willfulness and Inducement Allegations”);

WHEREAS, Smarter Agent does not allege in its Complaint that Real Estate Webmasters, Inc., had pre-suit knowledge of the asserted patents;

WHEREAS, Smarter Agent and Real Estate Webmasters have met and conferred and agreed that Smarter Agent will voluntarily dismiss the Willfulness and Inducement Allegations; however, Smarter Agent and Real Estate Webmasters acknowledge that: (1) this Stipulation is not intended to serve as a reflection on the adequacy or inadequacy of any allegations contained in the Complaint; and (2) the dismissal of the Willfulness and Inducement Allegations is without prejudice to Smarter Agent seeking discovery on the issue, to which Real Estate Webmasters

reserves its rights to raise appropriate objections, and without prejudice to Smarter Agent amending the Complaint to allege inducement and/or willful infringement or an entitlement to enhanced damages after fact discovery in this action is open and in accordance with the Court's case schedule;

NOW, THEREFORE, Smarter Agent and Real Estate Webmasters hereby jointly stipulate to the entry of an Order dismissing the Willfulness and Inducement Allegations without prejudice and dropping them from the Complaint.

Dated: June 30, 2021

Respectfully submitted,

/s/ Matthew C. Holohan

/s/ W. Andrew Liddell

Robert R. Brunelli
pro hac vice
Matthew C. Holohan
pro hac vice
SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, CO 80202
Tel: (303) 863-2974
Fax: (303) 863-0223
rbrunelli@sheridanross.com
mholohan@sheridanross.com

Gilbert A. Greene
State Bar No. 24045976
W. Andrew Liddell
State Bar No. 24070145
DUANE MORRIS LLP
Las Cimas IV
900 S. Capital of Texas Highway, Suite 300
Austin, TX 78746-5435
Tel: (512) 277-2300
Fax: (512) 277-2301
BGreene@duanemorris.com
WALiddell@duanemorris.com

Jeffrey G. Toler
State Bar No. 24011201
TOLER LAW GROUP
4709 Snake Eagle Cove
Bee Cave, TX 78738
Tel: (512) 925-8779
jtoler@tlgiplaw.com

*Attorneys for Defendants Real Estate
Webmasters, Inc.*

Michael C. Smith
State Bar No. 18650410
SCHEEF & STONE, LLP
113 E. Austin Street
Marshall, TX 75671
Tel: (903) 938-8900
Michael.smith@solidcounsel.com

Attorneys for Plaintiff Smarter Agent, LLC

CERTIFICATE OF SERVICE

I certify that on June 30, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ W. Andrew Liddell
W. Andrew Liddell